

**COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND**

Bill No. 11-48

Introduced by: Council Members Slutzky and McMahan

Legislative Day No. 11-22 Date: October 11, 2011

AN ACT to repeal and reenact, with amendments, Subsection C(4), of Section 267-58, VB Village Business District; to repeal and reenact, with amendments, Subsection C(7), of Section 267-59, B1, B2 and B3 Business Districts, all of Article VII, District Regulations, of Part 1, Standards, of Chapter 267, Zoning, of the Harford County Code, as amended; to provide that certain nonconforming motor vehicle filling or service stations located in the VB, B1, B2 and B3 Districts may be permitted to expand without Board of Appeals approval under certain circumstances; and generally relating to motor vehicle filling or service stations.

By the Council, October 11, 2011

Introduced, read first time, ordered posted and public hearing scheduled

on: November 8, 2011

at: 6:30PM

By order: _____, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on _____, and concluded on _____.
_____, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter Deleted from existing law. Underlining indicates Language added to bill by amendment. Language Lined through indicates matter stricken out of Bill By amendment.

1 WHEREAS, several Harford County communities, most notably Fallston, have
2 experienced contaminated residential wells resulting from the infiltration of methyl tertiary butyl
3 ether (MTBE); and

4 WHEREAS, in response to these health concerns, the Harford County Council adopted a
5 Bill in 2005 requiring all new gas stations to be located only in areas where the adjoining
6 properties are serviced by a public water supply; and

7 WHEREAS, subsequent to the passage of that Bill, MTBE is no longer used as a fuel
8 additive; and

9 WHEREAS, subsequent to the passage of that Bill, the Maryland Legislature enacted
10 certain Sections of the Environment Article of the Annotated Code of Maryland which includes
11 requirements for the installation and operation of underground fuel storage tanks which are
12 among the strictest in the nation; and

13 WHEREAS, the Maryland Department of the Environment (MDE) after the passage of
14 the 2005 Bill, adopted additional regulations requiring, among other things, more frequent
15 testing, sampling and inspection of underground storage tanks, especially in high-risk
16 groundwater use areas and further regulations are pending which provide for education and
17 certification for operators of fuel facilities; and

18 WHEREAS, as an unintended consequence of the Bill, stations in existence at the time
19 of the passage of that Bill have become nonconforming uses which result in the prohibition of
20 any expansion without Board of Appeals approval; and

21 WHEREAS, it is the desire of the County Council to encourage currently operating
22 facilities which were in existence at the time of the passage of the 2005 Bill on August 29, 2005

1 to replace underground storage tanks and to come into compliance with new state laws and
2 regulations respecting the installation and operation of those underground fuel storage tanks; and

3 WHEREAS, it is the stated intent of the County Council that this legislation relate only to
4 underground fuel storage tanks installed under facilities which existed on August 29, 2005 and
5 have been in continuous operation thereafter. This legislation is not intended to and should in no
6 way ever be interpreted to encourage or allow the construction of new underground fuel storage
7 tank facilities which are not on public utilities.

8 NOW THEREFORE,

9 Section 1. Be It Enacted by the County Council of Harford County, Maryland, that Subsection C
10 (4) of Section 267-58, VB Village Business District, is hereby repealed and reenacted, with
11 amendments, and that Subsection C(7), of Section 267-59, B1, B2 and B3, Business Districts, is
12 hereby repealed and reenacted, with amendments, all of Article VII, District Regulations, of Part
13 1, Standards, of Chapter 267, of the Harford County Code, as amended, all to read as follows:

14 Chapter 267. Zoning.

15 Part 1. Standards.

16 Article VII. District Regulations.

17 Section 267-58. VB Village Business District.

18 C. Specific regulations. The following uses are permitted, subject to the additional requirements
19 below:

20 (4) Motor vehicle filling or service stations and repair shops, provided that:

21 (a) Pumps shall be at least 35 feet from all road rights-of-way.

22 (b) All portions of the lot used for storage or service of motor vehicles shall be paved with a
23 hard surface.

(c) No obstructions which limit visibility at intersections or driveways shall be permitted.

(d) Vehicles, except those vehicles used in the operation of the business, may not be stored on the property for more than 90 calendar days.

(e) Motor vehicle filling or service stations shall only be permitted if all properties adjacent to the proposed use are served by a public water supply.

(F) MOTOR VEHICLE FILLING OR SERVICE STATIONS IN EXISTENCE AND OPERATING PRIOR TO AUGUST 29, 2005 ARE EXEMPT FROM THE OPERATION OF PARAGRAPH E ABOVE WHEN THE UNDERGROUND FUEL STORAGE TANKS ARE REPLACED IN COMPLIANCE WITH THE APPLICABLE CODE SECTIONS OF THE ENVIRONMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND AND THE STATION SHALL NOT BE CONSIDERED A NONCONFORMING USE IN ACCORDANCE WITH HARFORD COUNTY ZONING CODE PROVIDED THAT:

(I) THE STATION HAS BEEN IN CONTINUOUS OPERATION DISPENSING FUEL SINCE AUGUST 29, 2005;

(II) NOTWITHSTANDING THE TERMINATION OF THE NONCONFORMITY IN PARAGRAPH (F) ABOVE, ANY EXPANSION OF THE USE BEYOND 49% OF THE CURRENT SQUAREFOOTAGE OF THE USE OR AN INCREASE BEYOND 49% OF THE EXISTING NUMBER OF FUEL DISPENSING PUMPS REQUIRES BOARD OF APPEALS APPROVAL; AND

(III) ANY IMPROVEMENTS OR EXPANSION OF THE USE BEYOND THE LOT AS IT EXISTED ON AUGUST 29, 2005 SHALL REQUIRE BOARD OF APPEALS APPROVAL.

Section. 267-59. B1, B2 and B3 Business Districts.

C. Specific regulations. The following uses are permitted in each business district, subject to the additional requirements below:

(7) Motor vehicle filling or service stations and repair shops, in the B2 and B3 districts, provided that:

(a) Pumps shall be at least 25 feet from all road rights-of-way.

(b) All portions of the lot used for storage or service of motor vehicles shall be paved with a hard surface.

(c) No obstructions which limit visibility at intersections or driveways shall be permitted.

(d) Vehicles, except those vehicles used in the operation of the business, may not be stored on the property for more than 90 calendar days.

(e) Motor vehicle filling or service stations shall only be permitted if all properties adjacent to the proposed use are served by a public water supply.

(F) MOTOR VEHICLE FILLING OR SERVICE STATIONS IN EXISTENCE AND OPERATING PRIOR TO AUGUST 29, 2005 ARE EXEMPT FROM THE OPERATION OF PARAGRAPH E ABOVE WHEN THE UNDERGROUND FUEL STORAGE TANKS ARE REPLACED IN COMPLIANCE WITH THE APPLICABLE CODE SECTIONS OF THE ENVIRONMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND AND THE STATION SHALL NOT BE CONSIDERED A NONCONFORMING USE IN ACCORDANCE WITH HARFORD COUNTY ZONING CODE PROVIDED THAT:

(I) THE STATION HAS BEEN IN CONTINUOUS OPERATION DISPENSING FUEL SINCE AUGUST 29, 2005;

(II) NOTWITHSTANDING THE TERMINATION OF THE NONCONFORMITY IN PARAGRAPH F ABOVE, ANY EXPANSION OF THE USE BEYOND 49% OF THE

1 CURRENT SQUARE FOOTAGE OF THE USE OR AN INCREASE BEYOND 49% OF THE
2 NUMBER OF EXISTING FUEL DISPENSING PUMPS REQUIRES BOARD OF APPEALS
3 APPROVAL; AND

4 (III) ANY IMPROVEMENTS OR EXPANSION OF THE USE BEYOND THE LOT AS
5 IT EXISTED ON AUGUST 29, 2005 SHALL REQUIRE BOARD OF APPEALS APPROVAL.

6 Section 2. And Be It Further Enacted, that this Act shall take effect 60 calendar days from the
7 date it becomes law.

8 EFFECTIVE:

*The Council Administrator does hereby certify that fifteen (15)
copies of this Bill are immediately available for distribution to
the public and the press.*

Council Administrator

HARFORD COUNTY BILL NO. 11-48

Brief Title Gas Station Reforms

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

ENROLLED

Council Administrator

Council President

Date _____

Date _____

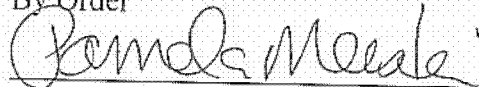
BY THE COUNCIL

Read the third time.

Passed: LSD _____

Failed of Passage: LSD 11-25 November 8, 2011

By Order



Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this ____ day of _____, 2011 at ____ p.m.

Council Administrator

BY THE EXECUTIVE

COUNTY EXECUTIVE

APPROVED: Date _____

BY THE COUNCIL